

To: StClair, Christie[StClair.Christie@epa.gov]; Murray, Bill[Murray.Bill@epa.gov]; R8 GKM Leadership Team[R8_GKM_LeadershipTeam@epa.gov]; Hamilton, Karen[Hamilton.Karen@epa.gov]; Wall, Tom[Wall.Tom@epa.gov]; Loop, Travis[Loop.Travis@epa.gov]
Cc: Grantham, Nancy[Grantham.Nancy@epa.gov]
From: Jenkins, Laura Flynn
Sent: Wed 5/18/2016 8:45:10 PM
Subject: RE: URGENT - Bloomberg (DDL 4:30 EST): Gardner legislation

Sorry, late to the game, but here's some additional language that *may* be useful from Shaun's visits 5/3-5/4:

KEY MESSAGES

Funding:

- EPA has reimbursed state, local, and tribal governments a total of \$686,093 for response-related costs, and is currently reviewing additional requests for reimbursement.
- EPA has also provided \$2 million to states and tribal governments to support monitoring and preparedness efforts, and we are working on providing additional [cross-agency] funding of more than \$600,000 to assist the local communities.
- Going forward, EPA will look for opportunities to enter into cooperative agreements with local governments to support their participation in the investigations and remedial actions. CO work plan, which is funded by water quality grants, includes participation by San Juan Basin Health Department for a cost of \$83,000
- Regarding proposed legislation, EPA would welcome the opportunity to work with Senator Gardner's office to review and provide technical assistance on any proposed legislation. The Senator's staff should contact Carolyn Levine in EPA's Office of Congressional and Intergovernmental Relations with questions and/or technical assistance requests.

ADDITIONAL TALKING POINTS

Funding:

- EPA regrets the accidental release and takes responsibility for cleanup of the GKM release. EPA is committed to continue working hand-in-hand with impacted local governments, states and tribes.
- Independent determination of the applicability of the Federal Torts Claims Act for damages is pending.

- To date EPA has reimbursed the entities and/or committed to funding activities described below.
- Additional costs may be reimbursed, pending receipt of documentation for allowable response costs from local jurisdictions and Tribes.
- Cooperative Agreements (CAs) awarded April 1, 2016, are intended to reimburse recipients for GKM release-related expenses (removal \$'s) and travel expenses for November 2015 Superfund Site Tour; these CAs are *not* intended to address future needs related to BMPD proposed NPL site.

Laura Jenkins

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From: StClair, Christie

Sent: Wednesday, May 18, 2016 2:32 PM

To: Murray, Bill <Murray.Bill@epa.gov>; R8 GKM Leadership Team <R8_GKM_LeadershipTeam@epa.gov>; Hamilton, Karen <Hamilton.Karen@epa.gov>; Wall, Tom <Wall.Tom@epa.gov>; Loop, Travis <Loop.Travis@epa.gov>

Cc: Grantham, Nancy <Grantham.Nancy@epa.gov>

Subject: RE: URGENT - Bloomberg (DDL 4:30 EST): Gardner legislation

Thanks, Bill. Here's an update – adds an edited version of your response to #1, then

breaks out #3 into its own response.

Sending to Nancy for final approval now.

1. Can you comment on Sen. Gardner's suggestion that EPA will not process emergency response actions committed after Oct. 31, 2015?

The agency has reimbursed for travel costs associated with the November 2015 Colorado Superfund Site Tour. We are reviewing expenses that were incurred after Oct. 31, 2015 to determine if any of them are allowable, reasonable expenses.

2. I know some payouts have been made, and Administrator McCarthy pointed to those during her testimony last month. How do you feel the agency has handled compensation requests as a whole? Are you making good progress? What else needs to be done to pay out proper requests?

EPA takes responsibility for the **cleanup of the** Aug. 5, 2015 Gold King Mine release. To date, EPA has:

- ☐☐☐☐☐☐☐☐ Allocated \$2 million in funding to support states' and tribes' monitoring plans. Utah, New Mexico, Southern Ute Indian Tribe, Ute Mountain Ute Tribe, Navajo Nation, and Colorado are eligible and may apply those funds to spring monitoring and preparedness planning as well. Some entities have applied and some have not.
- ☐☐☐☐☐☐☐☐ Agreed to contribute an additional \$628,000, which in combination with the prior \$2 million in funding, will enable states and tribes to fund a real-time water-quality monitoring alert system. This real-time monitoring would also serve to ensure successful coordination and implementation of notification and preparedness activities for communities downstream.
- ☐☐☐☐☐☐☐☐ Provided \$197,792 to La Plata County through a pre-existing cooperative agreement with the Colorado Department of Public Health and Environment (CDPHE). These funds were a reimbursement for the County's allowable removal response expenses related to the Gold King Mine release.
- ☐☐☐☐☐☐☐☐ Provided \$220,667 to San Juan County/Town of Silverton through a pre-existing cooperative agreement with CDPHE. These funds were reimbursement for the county's and town's allowable removal response expenses related to the Gold King Mine release.
- ☐☐☐☐☐☐☐☐ Provided an additional \$5,529 to San Juan County/Town of Silverton through a Superfund

Cooperative Agreement awarded on April 1, 2016.

- Provided an additional \$72,786 to La Plata County through a Superfund Cooperative Agreement awarded on April 1, 2016. EPA is in the process of evaluating additional expenses requested by La Plata County, and expects to reimburse additional allowable response costs under the cooperative agreement soon.

- Provided \$2,471 to the City of Durango through a Superfund Cooperative Agreement awarded on April 1, 2016. EPA is in the process of evaluating additional expenses requested by the City of Durango and expects to reimburse additional allowable response costs under the cooperative agreement soon.

- Provided \$71,571 to San Juan Basin Health through a pre-existing cooperative agreement with CDPHE and an additional \$969 through a Superfund Cooperative Agreement awarded on April 1, 2016.

- Provided \$157,000 in funding through a cooperative agreement with Navajo Nation government agencies for costs incurred during the response to the August 2015 Gold King Mine release, and requested additional information from the Navajo Nation about remaining reimbursement requests to determine their eligibility under the EPA's response authorities and federal grant principles. These funds are in addition to more than \$1.1 million spent by the agency in response costs on the Navajo Nation immediately following the release.

- Reimbursed the Southern Ute Indian Tribe \$116,372 for costs incurred during the response. EPA is in the process of evaluating additional expenses requested by the Southern Ute Indian Tribe and expects to reimburse additional allowable response costs.

- Provided \$19,460 in funding through a cooperative agreement with Arizona for costs incurred during the response to the August 2015 Gold King Mine release. EPA is reviewing requests from Arizona for reimbursement of additional costs.

- Allocated an additional \$159,900 of recertified tribal funds to the Southern Ute Indian Tribe to further support their water quality monitoring plans.

- Reimbursed the New Mexico Environment Department and other entities in the state for \$728,681 for costs incurred during the response. EPA is working with the New Mexico Environment Department to review additional requests for response costs following the state's request for an extension.

3. Do you support long-term water quality monitoring of the Animas River?

As mentioned above, EPA has allocated \$2 million in funding to support states' and tribes' monitoring plans. Utah, New Mexico, Southern Ute Indian Tribe, Ute Mountain Ute Tribe, Navajo Nation, and Colorado are eligible and may apply those funds to spring monitoring and preparedness planning as well. Some entities have applied and some have not. The agency has also agreed to contribute an additional \$628,000, which in combination with the prior \$2 million in funding, will enable states and tribes to fund a real-time water-quality monitoring alert system. This real-time monitoring would also serve to ensure successful coordination and implementation of notification and preparedness activities for communities downstream.

The agency is also doing its own monitoring. The agency's conceptual monitoring plan is designed to

gather a robust set of scientific data to consistently evaluate river conditions over time and evaluate impacts to public health and the environment. Under the conceptual monitoring plan, EPA is examining water quality, sediment quality, biological community and fish tissue at 30 locations under a variety of flow and seasonal river conditions. The sampling locations are located within Colorado, Southern Ute Indian Reservation, New Mexico, Ute Mountain Ute Reservation, the Navajo Nation and Utah, spanning Cement Creek, the Animas and San Juan rivers, and the upper section of the San Juan arm of Lake Powell. Learn more about the plan here: <https://www.epa.gov/goldkingmine/us-epa-releases-monitoring-plan-evaluate-conditions-animas-and-san-juan-rivers>

Christie St. Clair

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From: Murray, Bill

Sent: Wednesday, May 18, 2016 4:16 PM

To: StClair, Christie <StClair.Christie@epa.gov>; R8 GKM Leadership Team <R8_GKM_LeadershipTeam@epa.gov>; Hamilton, Karen <Hamilton.Karen@epa.gov>; Wall, Tom <Wall.Tom@epa.gov>; Loop, Travis <Loop.Travis@epa.gov>

Cc: Grantham, Nancy <Grantham.Nancy@epa.gov>

Subject: RE: URGENT - Bloomberg (DDL 4:30 EST): Gardner legislation

See below

From: StClair, Christie

Sent: Wednesday, May 18, 2016 2:02 PM

To: R8 GKM Leadership Team <R8_GKM_LeadershipTeam@epa.gov>; Hamilton, Karen <Hamilton.Karen@epa.gov>; Wall, Tom <Wall.Tom@epa.gov>; Loop, Travis <Loop.Travis@epa.gov>

Cc: Grantham, Nancy <Grantham.Nancy@epa.gov>

Subject: URGENT - Bloomberg (DDL 4:30 EST): Gardner legislation

Brian Dabbs of Bloomberg is asking:

1. Can you comment on Sen. Gardner's suggestion that EPA will not process emergency response actions committed after Oct. 31, 2015?

With the exception of travel costs associated with the November 2015 Colorado Superfund Site Tour, in Region 8 we have not reimbursed any Superfund response or remedial expenses that were incurred after 10/31/15. However, we are reviewing expenses that were incurred after 10/31/15, to determine if any of them are allowable, reasonable expenses.

2. I know some payouts have been made, and Administrator McCarthy pointed to those during her testimony last month. How do you feel the agency has handled compensation requests as a whole? Are you making good progress? What else needs to be done to pay out proper requests?

3. Do you support long-term water quality monitoring of the Animas River?

Draft response is exactly what we plan to send Daily Caller but with an additional graph in yellow at the bottom on the conceptual monitoring plan.

Please respond quickly on this one, thanks!

Christie

DRAFT RESPONSE

EPA does not comment on proposed legislation.

EPA takes responsibility for the **cleanup of the** Aug. 5, 2015 Gold King Mine release. To date, EPA has:

- [REDACTED] Allocated \$2 million in funding to support states' and tribes' monitoring plans. Utah, New Mexico, Southern Ute Indian Tribe, Ute Mountain Ute Tribe, Navajo Nation, and Colorado are eligible and may apply those funds to spring monitoring and preparedness planning as well. Some entities have applied and some have not.
- [REDACTED] Agreed to contribute an additional \$625,000, which in combination with the prior \$2 million in funding, will enable states and tribes to fund a real-time water-quality monitoring alert system. This real-time monitoring would also serve to ensure successful coordination and implementation of notification and preparedness activities for communities downstream.
- [REDACTED] Provided \$197,792 to La Plata County through a pre-existing cooperative agreement with the Colorado Department of Public Health and Environment (CDPHE). These funds were a reimbursement for the County's allowable removal response expenses related to the Gold King Mine release.
- [REDACTED] Provided \$220,667 to San Juan County/Town of Silverton through a pre-existing cooperative agreement with CDPHE. These funds were reimbursement for the county's and town's allowable removal response expenses related to the Gold King Mine release.
- [REDACTED] Provided an additional \$5,529 to San Juan County/Town of Silverton through a Superfund Cooperative Agreement awarded on April 1, 2016.
- [REDACTED] Provided an additional \$72,786 to La Plata County through a Superfund Cooperative Agreement awarded on April 1, 2016. EPA is in the process of evaluating additional expenses requested by La Plata County, and expects to reimburse additional allowable response costs under the cooperative agreement soon.
- [REDACTED] Provided \$2,471 to the City of Durango through a Superfund Cooperative Agreement awarded on April 1, 2016. EPA is in the process of evaluating additional expenses requested by the City of Durango and expects to reimburse additional allowable response costs under the cooperative agreement soon.
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2016.

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- Provided \$19,460 in funding through a cooperative agreement with Arizona for costs incurred during the response to the August 2015 Gold King Mine release. EPA is reviewing requests from Arizona for reimbursement of additional costs.
- Allocated an additional \$159,900 of recertified tribal funds to the Southern Ute Indian Tribe to further support their water quality monitoring plans.
- Reimbursed the New Mexico Environment Department and other entities in the state for \$728,681 for costs incurred during the response. EPA is working with the New Mexico Environment Department to review additional requests for response costs following the state's request for an extension.
- Approved the agency's own monitoring plan for the Animas and San Juan rivers. The conceptual monitoring plan is designed to gather a robust set of scientific data to consistently evaluate river conditions over time and evaluate impacts to public health and the environment. Under the conceptual monitoring plan, EPA is examining water quality, sediment quality, biological community and fish tissue at 30 locations under a variety of flow and seasonal river conditions. The sampling locations are located within Colorado, Southern Ute Indian Reservation, New Mexico, Ute Mountain Ute Reservation, the Navajo Nation and Utah, spanning Cement Creek, the Animas and San Juan rivers, and the upper section of the San Juan arm of Lake Powell. Learn more about the plan here: <https://www.epa.gov/goldkingmine/us-epa-releases-monitoring-plan-evaluate-conditions-animas-and-san-juan-rivers>

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